

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 574 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

SURENDRANAGAR DISTRICT PANCHAYAT

Versus

WORKMAN- JITENDRA RASIKLAL KARELIA C/O S'NAGAR JILLA

Appearance:

1. Special Civil Application No. 574 of 1999
MR HS MUNSHAW for Petitioner No. 1-2
MR TR MISHRA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 11/05/2005

ORAL JUDGEMENT

SurenDRanagar District Panchayat along with its
Deputy Executive Engineer (Panchayat) is before this

Court complaining about the judgement and award dated 29.04.1998 passed by the learned Member of the Industrial Tribunal No.2, Rajkot in Reference (ITR) No.315 of 1990.

2. The learned Member of the Industrial Tribunal was pleased to direct the petitioner to make the workman, Shri Jitendra Rasiklal Karelia permanent with effect from 01.05.1991 and grant all increments yearwise from 01.05.1991. The learned Member was also pleased to direct that the period from 01.05.1990 to 31.12.1997 shall be treated as notional for the purpose of cash benefits of difference of salary and the difference of salary after pay fixation shall be paid to the workman with effect 01.01.1998 onwards.

3. Mr.T.R. Mishra, learned advocate appearing for the respondent workman produced a copy of order dated 15.02.2005 issued by the Office of the Executive Engineer, Roads & Buildings (Panchayat Division), Surendrangar, giving benefits to 41 work charged clerks, who had completed 10 years service and absorbed them as work assistants giving them benefits mentioned therein.

4. Mr.Munshaw, learned advocate for the petitioner submitted that at the relevant time there being no scheme/ policy for such absorption of work charged clerks as work assistants, and as per the policy then prevailing, Surendranagar District Panchayat had filed the present petition challenging the directions given by the learned Member of the Industrial Tribunal as aforesaid.

5. Taking into consideration the fact that by the aforesaid order, which is produced and relied upon by Mr.T.R. Mishra dated 15.02.2005, a copy of which is made available to learned advocate Mr.Munshaw it is deemed fit that the petitioner-District Panchayat be directed to consider the case of the respondent workman on the same lines, and decide the same within three months from the date of receipt of this order and communicate its result by Registered Post A.D. letter to the respondent workman. It will be open for the respondent workman to agitate grievances surviving, if any, after decision of the District Panchayat, within next three months. In the event of the petitioner-District Panchayat considering the case of the respondent workman at par with the other work charged clerks, the judgement and order of the Industrial Tribunal in the aforesaid reference will stand satisfied and the respondent workman will not have any further claim. But in the event the petitioner-District Panchayat does not extend the same benefits it will

be open for both the parties to take recourse to the remedy available in law.

6. The petition is disposed of accordingly with no order as to costs. Rule is made absolute in the above terms. Direct service is permitted.

(Ravi R. Tripathi, J.)

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